UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte PETRI KOSKELAINEN, JANNE KARI, SRINIVAS
SREEMANTHULA, CURT WONG, and STEFANO FACCIN

———

Appeal 2009-007268
Application 10/079,426
Technology Center 2400

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Before LANCE LEONARD BARRY, CAROLYN D. THOMAS, and
DEBRA K. STEPHENS, *Administrative Patent Judges.*

BARRY, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

The Patent Examiner rejected claims 60-93. The Appellants appeal
therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C.
§ 6(b).

INVENTION

The Appellants describe the invention at issue on appeal as
"provisioning services to a terminal in communication networks." (Spec. 1.)

ILLUSTRATIVE CLAIM

90.   An analyzing entity, comprising:

a receiver configured to receive a request for a specified
service to be at a disposition of a terminal, wherein the terminal
is configured to perform communication via at least one
communication network, each network being equipped with
service processing entities;

a processor configured to analyze the request;

a decider configured to decide whether the requested
specified service is associated with a specific one of said
service processing entities of a specific one of said at least one
communication network; and

a router, configured, in response to a decision of the
decider, to route communication messages associated with said
terminal to said specified service processing entity within said
specified communication network,

wherein the analyzing entity is associated with said at
least one communication network, and configured to be
associable with a plurality of communication networks.

REJECTIONS

Claims 60-63, 66-77, 80-87, and 90-93 stand rejected under 35 U.S.C.
§ 102(e) as being anticipated by U.S. Patent No. 6,697,806 B1 ("Cook"),

Claims 64, 65, 78, and 79 stand rejected under 35 U.S.C. § 103(a) as
being unpatentable over Cook and U.S. Patent Application Pub. No. 2003/
0041146 A1 ("Davis"),

Claims 88-89 stand rejected under 35 U.S.C. § 103(a) as being
unpatentable over Cook and U.S. Patent Application Pub. No. 2003/0005132
A1 ("Nguyen").

CLAIM GROUPING

Based on the Appellants' arguments, we will decide the appeal of
claims 60-63 and 66-73 on the basis of claim 60 alone and the appeal of
claims 74-77 and 80-87 on the basis of claim 74 alone. *See* 37 C.F.R.
§ 41.37(c)(1)(vii).

FINDINGS OF FACT

Cook describes its invention as "[a]n access communication system
[that] provides access between a user system and a plurality of
communication networks. The plurality of communication networks provide
services to a user in the user system." (Abstract, ll. 1-4.)

ISSUES

The issues before us are (1) whether the Examiner erred in finding
that Cook discloses service processing entities, as required by claims 60, 74,
and 90-93, and (2) whether the Examiner erred in finding that Cook
discloses routing messages via an analyzing entity, as required by claims 60,
74, and 91-93.

ANALYSIS

"It is axiomatic that anticipation of a claim under § 102 can be found
only if the prior art reference discloses every element of the claim, and that

anticipation is a fact question . . . ." *In re King*, 801 F.2d 1324, 1326 (Fed.

Cir. 1986) (citing *Lindemann Maschinenfabrik GMBH v. Am. Hoist &*

Derrick Co., 730 F.2d 1452, 1457 (Fed. Cir. 1984)).

> Here, the Examiner makes the following findings.

> Figure 12 and corresponding column 14, lines 29-50 of Cook
> describes [its] communication process in . . . detail. A user
> terminal requests a specified service (steps 1202-1210), an
> analyzing entity decides that the requested service is associated
> with a specific service processing entity of a specific network
> (steps 1210-1214), and subsequent communication messages
> are routed to the destination (repeating steps 1216 and 1218).

(Ans. 11.)

> Part of the text of Cook cited by the Examiner follows.

> FIG. 12 depicts a flowchart for the services based
> directory in an example of the invention. FIG. 12 begins in step
> 1200. In step 1202, the access server 524 waits for the next
> connection from a network device in the user network 510. The
> access server 524 then receives a connection from the network
> device 512 in step 1204. Once the connection is established,
> the access server 524 generates and transmits a user ID [i.e.,
> identification] query to the network device 512 in step 1206.
> The access server 524 then receives an ID reply and establishes
> network device session in step 1208.

> The access server 524 then generates an available
> services reply including a list of services in 1210. In one
> embodiment, the access server 524 generates the available
> services reply based upon information in the user access profile.
> The access server 524 receives a selected service reply from the
> network device 512 in step 1212. The access server 524 then
> connects the network device 512 to the selected service
> provider in step 1214.

(Col. 14, ll. 29-47.)

In summary, the reference selects a service provider to provide a service to a network device in a user network. Because the provider provides the service and the service is selected from a plurality of service providers, we agree with the Examiner's finding that Cook's service providers constitute service processing entities as claimed.

"During prosecution . . . the PTO gives claims their 'broadest reasonable interpretation.'" *In re Bigio*, 381 F.3d 1320, 1324 (Fed. Cir. 2004) (quoting *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). "Moreover, limitations are not to be read into the claims from the specification." *In re Van Geuns*, 988 F.2d 1181, 1184 (Fed. Cir. 1993) (citing *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989)).

Here, the Appellants argue that "[a]s discussed in the present [S]pecification, service providers (or operators of the networks) may be used to distinguish different networks (see Specification, page 11). Therefore, a service provider may be used to describe a network, but different service providers do not correspond to the claimed service processing entities." (Reply Br. 5.)

We agree with the Examiner, however, that "[w]hile the Appellant's specification may include features that aid in limiting the term 'service processing entity,' these limitations are not present in the claim language." (Ans. 12.) We will not read the argued features into the claims from the Specification becuase these features are not part of an express definition. Therefore, we conclude that the Examiner did not err in finding that Cook discloses service processing entities, as required by claims 60, 74, and 90-93.

The Appellants further argue that "Cook . . . fails to disclose or suggest routing communication messages associated with the terminal via an analyzing entity to a specific one of the service processing entities within the specified communication network." (Reply Br. 4.)

The rest of the text of Cook cited by the Examiner explains that "[t]he access server 524 waits for the next packet in step 1214. The access server 524 then exchanges packets between the network device 5[12] and the selected service provider in step 1218." (Col. 14, ll. 47-50.)

Because the reference exchanges packets between the network device and the selected service provider via the access server, we agree with the Examiner's finding that messages are routed via an analyzing entity, viz., the access server. Therefore, we conclude that the Examiner did not err in finding that Cook discloses routing messages via an analyzing entity, as required by claims 60, 74, and 91-93.

Rather than arguing the rejections of claims 64, 65, 78, 79, 88, and 89 separately, the Appellants rely on the aforementioned arguments, which were unpersuasive, and thus do not establish that the Examiner erred in any of the rejections under § 103(a).

DECISION

We affirm the rejection of claims 60, 74, and 90-93 and of claims 61-63, 66-77, and 80-87, which fall therewith. We also affirm the rejections of claim 64, 65, 78, 79, 88, and 89.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1). *See* 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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